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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JIANLIANG ZHU,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security;
 CHRISTINA POULOS, Director,
 California Service Center, U.S.C.I.S.;
 CONDOLEEZZA RICE, Secretary of State,

Defendants.

No. C 08-0304 JCS

**STIPULATION TO EXTEND DATE OF
 CASE MANAGEMENT CONFERENCE;
 and [PROPOSED] ORDER**

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to the following:

1. Plaintiff filed this action on January 16, 2007, asking this Court to direct the United States Citizenship and Immigration Services (USCIS) to adjudicate his I-824 Application (Application For Action On An Approved Application or Petition) and the Department of State to issue an immigrant visa to his son.

2. The USCIS approved the plaintiff's I-824 application on March 5, 2008.

3. On March 24, 2008, this Court approved the parties' stipulation to extend the answer deadline to April 11, 2008, and to extend the date of the case management conference to May 9, 2008.

1 4. On April 4, 2008, this Court approved the parties' stipulation to extend the answer date, the
2 ADR date, the joint case management date, and the case management conference date, in light of
3 the fact that USCIS had recently forwarded the approved I-824 to the Department of State's
4 National Visa Center, which is the first step in the process of issuing a visa.

5 5. The approved I-824 has recently been routed to the American Consulate in Guangzhou,
6 China, for processing of the visa application.

7 6. The American Consulate in Guangzhou stated that it would begin processing the visa
8 application once the applicant provides a name, date and place of birth, and Chinese mailing
9 address.

10 7. The American Consulate in Guangzhou stated that, lthough the statutory quota for
11 employment-based third preference applicant (EB-3) has been filled this year and a visa could not
12 be issued in this case until October 1, 2008, the consulate would begin processing the case after
13 the plaintiffs submitted the information referred to in paragraph six.

14 8. In light of the information set forth above, the parties asked this Court to hold this case in
15 abeyance for four months, in light of the reasonable possibility that this case may be
16 administratively resolved in the interim.

17 9. This Court granted the parties' request for a continuance on July 21, 2008, and scheduled a
18 case management conference for November 14, 2008.

19 10. On November 10, 2008, the parties filed a second stipulation to extend the date of the case
20 management conference, stating that the attorney for the State Department who was able to
21 provide information as to whether or not a visa has been issued was temporarily out of the office
22 due to a death in the family.

23 11. This Court granted the parties' request for a second continuance on November 13, 2008,
24 and scheduled a case management conference for December 19, 2008.

25 12. The parties then informed the Court that State Department had recently indicated that the
26 consulate would schedule an interview of the applicant when his priority date is current and the
27 parties were discussing what his priority date is and/or should be.

28 13. In light of the reasonable possibility that the parties would be able to administratively

1 resolve this case, the parties asked this Court to yet again extend the case management conference
2 by one month.

3 14. This Court approved the parties' joint request to yet again extend the case management
4 conference by one month and re-scheduled the case management conference for January 30, 2009,
5 at 1:30 p.m.

6 15. Counsel for the government has today been informed today that efforts are now being
7 made to schedule an interview appointment for the beneficiary at the American Consulate in
8 Guangzhou.

9 16. In light of this recent development, the parties again ask this Court to extend the date of
10 the case management conference by one month, from January 30, 2009, **to February 27, 2009, at**
11 **1:30 p.m.**

12 17. The parties recognize that they have asked for numerous extensions of the case
13 management conference and appreciate the Court's patience in this matter as they attempt to
14 administratively resolve the case. If the case is not administratively resolved within a month, the
15 parties will file a joint case management statement at least seven days in advance of the case
16 management conference.

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1 Date: January 23, 2009

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO
United States Attorney

3 /s/
4 EDWARD A. OLSEN
Assistant United States Attorney
Attorneys for Defendants

6 Date: January 23, 2009

7 /s/
JUSTIN X. WANG
Attorney for Plaintiff

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10 **ORDER**

11 Pursuant to stipulation, IT IS SO ORDERED that the date of the case management
conference in the above-entitled matter is re-scheduled to **February 27, 2009, at 1:30 p.m.**

13 Date: Jan. 23, 2009

